



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,466	08/23/2006	Timo Ali-Vehmas	894A.0021.U1(US)	9717
10/48 7590 12/29/2011 Harrington & Smith, Attorneys At Law, LLC 4 Research Drive, Suite 202 Shelton, CT 06484			EXAMINER NGUYEN, PHUNG HOANG JOSEPH	
			ART UNIT	PAPER NUMBER
			2614	
			MAIL DATE	DELIVERY MODE
			12/29/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/590,466

**Applicant(s)**

ALI-VEHMAS, TIMO

**Examiner**

Phung-Hoang J. Nguyen

**Art Unit**

2614

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 December 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-5 and 7-35.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Phung-Hoang J Nguyen/  
Primary Examiner, Art Unit 2614

Continuation of 11. does NOT place the application in condition for allowance because: Applicant indicated (page 2) that examiner has not addressed the new claim 35. Examiner wishes to redirect the applicant to the latest office action filed 10/12/2011. Claim 35 claims "the summons to the meeting is drawn up in such a way that the information regarding the conference call is found at the same point in the summons". Examiner referred applicant to see claim 5 wherein claim 5 is a modification of Kleiler where Kleiler teaches the other conference information such as beer or basketball gettogether information. It is obvious however that in order for an ordinary artisan to form a conference, start time, end time, or duration is an obviously required element of the summons or invitation so that participants can make plan. Furthermore, examiner support this obviousness by providing WU's fig. 5B and col 9, lines 50-59 which illustrates the start time and duration.

Applicant further states (pages 5-7) that "Convener's mobile terminal telephone number given in the summons for the conference call to be called by participants". Examiner notes that there is no where in the claim stating such feature. It rather stated "wherein the summons to the meeting includes the telephone number of said convener". Examiner provided his own experience drawing from 11 years plus working for Lucent Technology wherein each support engineer is exclusively given a conference bridge (telephone number) and use this number exclusively for conference invitation/summon. This experience is very relevant to the claim language. "The summons to the meeting includes the telephone number of the convener". Again and clearly, examiner has interpreted the claim language based on reasonability since the claimed subject matter, examiner believes, is the measure of the invention, not the Specs (In re Spork, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687, 1986).

And furthermore, applicant states (page 7-9), the claimed invention requires no external server, bridge that differs from Kleiler which requires a server. Examiner respectfully redirects applicant to the claim itself which states "a convener of a conference call between three or more participants that form a group of participants using respective mobile terminals operating in a wireless network, to arrange a Conference call. Examiner agrees with applicant that Kleiler teaches the use of server/bridge which is certainly an element of network, a component of network for arranging conference call. Nowhere, however, in the current claim states the exclusion of bridge/server for conference arrangement. In fact it is so clear that the arrangement must be within a wireless network. This indicates that some component or element (e.g., server or bridge) of the wireless network is called for making conference arrangement.

In addressing "automatically joining the participants to the conference call in the mobile terminal of the convener". Examiner provides two positions (x1 and x2). For detail, please see the latest office action filed 10/12/11, pages 3 and 4.... Applicant appears to ignore discussion of x1. Examiner's x2 position relies on Mauney who teaches "The wireless handset may be embodied as a full-featured handset that is capable of operating either within a wireless network (such as a cellular or PCS network) or in a direct handset-to-handset communication mode that is independent of the wireless network. Alternatively, the wireless handset may be embodied as a special purpose handset that is capable of simply operating in a direct handset-to-handset communication mode. The wireless handset may additionally include features for supporting and enhancing direct communication between handsets, Abstract". Wherein Table 1 shows that call receive features "AUTO ANSWER" defines that "All calls will be automatically answered by the wireless handset", [0173]. Examiner also notices that applicant appears to ignore addressing the passage provided by examiner on Table 1 with the feature "AUTO ANSWER".

nstead, applicant suggested that "There appears to be no disclosure in this passage or anywhere of sending a summons, or equivalent invitation from a mobile terminal to participants in order for them to join a conference call at the mobile terminal, and further there is no disclosure of participants each calling in to the convener mobile terminal to join a conference call, with the telephone number of the convener/mobile terminal contained in the summons drawn up and provided using the mobile terminal of the convener. Thus Mauney does not disclose the invention according to present claim 1.

This is a classic demonstration of making argument against references individually. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Here examiner notes that drawing and sending the summons are discussed by Kleiler. The specific feature examiner draws from Mauney is the capability of automatic operation (e.g., sending and receiving calls) in a direct handset to hand set mode with auto-answer feature (Fig. 3, Abstract, pars. [0118, 0119, 1073] and Table 1).

Therefore examiner found the argument unpersuasive and continues to maintain the rejection.